



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,657	06/20/2006	Axel Feger	ARY0004	8877
832 7590 07/09/2009 BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			EXAMINER DRIGGERS-FOURNET, GWENDOLYN	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 07/09/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,657

Applicant(s)

FEGER ET AL.

Examiner

Gwendolyn Fournet

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 9-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 May 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

This communication is a final office action on the merits. Claims 9-14, as amended, are currently pending and have been considered below. Claims 5-8 have been cancelled per applicant's amendment.

Drawings

1. The drawings were received on 05/06/2009. These drawings are approved.

Claim Objections

2. Claims 9 and 14 are objected to because of the following informalities: in claim 9 at line 26, and in claim 14 at line 2, "said retainer" should read --said receiver--.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 10-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 10, the specification states that the locking member is movable in a perpendicular direction, but it does not state that the locking member is immovable in the direction of insertion. Further, the drawings indicate movement in a perpendicular direction with the possibility for "play" between the components allowing movement in other directions. Thus, the drawings are not sufficient to indicate immovability of the components.

Regarding claim 13, there is no mention in the specification that the retaining portion engages the spacer ring, nor is there any indication of this in the drawings. In contrast, figures 1 and 4 illustrate a space between the retaining portion (14) and the spacer ring (9).

5. Claims 11-12 and 14 are rejected as being dependent from a rejected claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 9-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by DeCler et al. (US 6,231,089).

Regarding claim 9, DeCler discloses a conduit coupling (20), comprising: a hollow receiver (24) including a receiving space (34); and an insert (22) sealingly and

lockingly (column 4 line 13) insertable into said receiving space along an insertion direction (92), said insert including a retaining ring (22b);

said receiver further comprising: a locking element (26) perpendicularly movable into said receiving space relative to said insertion direction (90) between a raised position (see figure 3 which illustrates plate (52) in a raised position), a pushed-in position (see figures 2 and 4 which illustrates clip (26) in a pushed in position), and a prelocked position (see figure 4 which illustrates the top portion of clip (26) near arrow (90) is in a prelocked position), said prelocked position being intermediate said pushed-in and said raised positions (see figures 2 and 3 which illustrate that from the pushed in position in figure 2, clip (26) must be moved to release the connection at shoulder (104), which places the assembly in a prelocked position, in order to allow movement of the clip to the raised position in figure 3), said locking element including a transverse portion (see figure 5 between (54) and (70)) and a pair of arms (see figure 5 near (68)) extending from opposite ends of said transverse portion;

said locking element having a first beveled surface (54), said first beveled surface engageable with said retaining ring (see figure 3), upon initial insertion of said insert into said receiving space to a first insertion position (figure 3), to move said locking element from said pushed-in position to said raised position (see figures 2 and 3);

said receiver further including a prelock assembly (those portions of clip (26) which include the backside of bevel (54), shoulder (104) and the portion of receiver (24)

which engages shoulder (104) as shown in figure 2 near (58)) and a pullback assembly (110),

said prelock and pullback assemblies cooperating with said retaining ring when said insert is inserted into said receiver beyond said first insertion position into a second insertion position (see figure 4) in which said retaining ring has moved out of contact with said first beveled surface (see figure 3), wherein said prelock assembly prevents said retaining ring and said insert from being pulled out of said receiver when said insert has moved into said second position (see figure 4 which illustrates backside of bevel (54) holds ring (22b) in the second insertion position); and said pullback assembly moves said locking element into said prelocked position (see figure 3 which illustrates a force applied to bevel (110) to move the locking element into the prelock position);

said prelock assembly including a retaining portion (backside of bevel (54)) formed on said transverse portion of said locking element, said retaining portion engaging said retaining ring in said second insertion position to prevent said insert from being pulled out of said receiver (see figure 4), and

said arms of said locking element respectively including click-stop projections (104) cooperating with snap-in projections (see figure 2 near (58)) of said retainer, said click-stop projections located adjacent to and on one side of said snap-in projections in said pushed-in position (see figure 2), and located adjacent to and on another side of said snap-in projections in said prelock position (see figure 3); and

said pullback assembly including second beveled surfaces (110) respectively disposed on said arms of said locking element (see figure 6 which illustrates bevel (110)

is located at the end of the arms of the locking element) and associated with third beveled surfaces of said receiver (see figure 3, the beveled portion of receiver (24) which is in contact with biasing member (74)), said second and third beveled surfaces cooperating to generate a force in a direction opposite to the direction of movement of said locking element from said prelocked position to said raised position (see figure 3 which illustrates pressing on second bevel (110) moves biasing member (74) into contact with the third bevel which creates a reactive force in the direction opposite movement to the raised position).

In regard to the phrases "to move said locking element from said pushed-in position to said raised position" and "to prevent said insert from being pulled out of said receiver," the locking element above is adapted to move said locking element from said pushed-in position to said raised position (see figures 2 and 3) and prevent said insert from being pulled out of said receiver (see figure 4).

Regarding claim 10, DeCler further discloses said locking member is immovable along said insertion direction (see figure 4 which illustrates the bottom portion of locking element (108) is immovable along the insertion direction).

Regarding claim 14, DeCler further discloses said arms of said locking element respectively include locking noses (64) engageable with associated locking shoulders (62) of said retainer in said pushed in position.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeCler as applied to claims 9-10, and 14 above, and further in view of Washizu (US 4,913, 467).

Regarding claims 11-13, DeCler further discloses all the structural elements of the claimed invention as recited in claim 10, but fails to explicitly disclose first and second sealing rings provided within said receiving space of said receiver, an intermediate ring disposed between said first and second sealing rings, and a spacer ring retaining said first and second sealing rings and said intermediate ring, said retaining portion engaging said spacer ring in said second insertion position.

However, as per claim 11, Washizu discloses in figure 11 a connector having first and second sealing rings (3) provided within said receiving space (2b) of said receiver (2).

As per claim 12, Washizu further discloses an intermediate ring (6) disposed between said first and second sealing rings (see figure 11).

As per claim 13, Washizu further discloses a spacer ring (5) retaining said first and second sealing rings and said intermediate ring (see figure 11), said retaining portion (4) engaging said spacer ring in said second insertion position (see figure 3).

Therefore, from the teachings of Washizu, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the coupling in DeCler to include a sealing ring assembly as taught by Washizu in order to prevent leakage (column 1 lines 35-38).

Response to Arguments

11. Applicant's arguments with respect to canceled claims 5-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn D. FOURNET whose telephone number is (571)270-5740. The examiner can normally be reached on Mon-Thurs 7:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/
Primary Examiner, Art Unit 3679

Gwendolyn D. Fournet
/GDF/
Examiner, Art Unit 3679
06/22/09